



आरत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 44] नई दिल्ली, बृहस्पतिवार, विसम्बर 15/1977, अग्रहायण 24, 1899

No. 44] NEW DELHI, THURSDAY, DECEMBER 15, 1977/AGRAHAYANA 24, 1899

इस भाग में भिन्न पृष्ठ संख्या सी जाती है जिससे कि यह अलग संकरन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 15th December, 1977 —

BILL No. 145 OF 1977

A Bill further to amend the Merchant Shipping Act, 1958

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Merchant Shipping (Amendment) Act, 1977. Short title.

44 of 1958. 2. In section 14 of the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act), after clause (b), the following clause shall be inserted, namely:— Amendment of section 14.

“(bb) the amounts received by the said Committee on the issue and sale of bonds and debentures,”

3. In sub-section (1) of section 15 of the principal Act, for the word “six”, the word “twelve” shall be substituted. Amendment of section 15.

4. In section 16 of the principal Act.—

(i) in sub-section (1), for the words and figures “in any other form to persons of the description mentioned in section 21 for

acquisition and maintenance of ships", the following shall be substituted, namely:—

"in any other form,—

(a) to persons of the description mentioned in section 21—

(i) for the acquisition and maintenance of ships, including modification, reconstruction and renovation thereof; and

(ii) for meeting any short-term financial requirements,

(b) to Indian ship-yards for the construction of new ships",

(ii) for sub-section (2), the following sub-sections shall be substituted, namely —

"(2) The Committee shall not grant any loan or give any financial assistance under sub-section (1) except on such terms and conditions as the Central Government may, from time to time, specify, and any such term may, if the loan or financial assistance is granted or given to a company, provide for the appointment by the Committee of one or more directors of such company and such provision and any appointment of directors made in pursuance thereof shall be valid and effective notwithstanding anything to the contrary contained in the Companies Act, 1956, or in any other law for the time being in force or in the memorandum, articles of association or any other instrument relating to the company and any provision regarding share qualification, age limit, number of directorships, removal from office of director and such like conditions contained in any such law or instrument aforesaid, shall not apply to any director appointed by the Committee in pursuance of the term as aforesaid.

(2A) Any director appointed in pursuance of sub-section (2) shall,—

(a) hold office during the pleasure of the Committee and may be removed or substituted by any person by order in writing by the Committee,

(b) not incur any obligation or liability by reason only of his being a director or for anything done or omitted to be done in good faith in the discharge of his duties as a director or anything in relation thereto.

(c) not be liable to retirement by rotation and shall not be taken into account for computing the number of directors liable to such retirement.

(2B) Every director appointed by the Committee shall be indemnified by the Committee against all losses and expenses incurred by him in, or in relation to, the discharge of his duties, except such as are caused by his own wilful act or default.

(2C) No suit or other legal proceeding shall lie against any director appointed by the Committee for any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any other law or provision having the force of law."

5. After section 16 of the principal Act, the following section shall be Insertion
of new sec-
tion 16A. inserted, namely —

"16A. (1) The Committee may issue and sell bonds and debentures, with or without interest, for the purpose of carrying out the powers objects of the Fund

(2) The bonds and debentures of the Committee shall be guaranteed by the Central Government as to the repayment of the principal and the payment of interest, at such rate as may be fixed by the Central Government on the recommendation of the Committee at the time the bonds and debentures are issued "

6. After section 17 of the principal Act, the following section shall be Insertion
of new sec-
tion 17A inserted and shall be deemed always to have been inserted, namely:—

"17A Notwithstanding anything contained in any enactment for the time being in force relating to income-tax or wealth-tax, the Committee shall not be liable to pay—

Exemption
from liabi-
lity to pay
income-
tax and
wealth-
tax.

(a) income-tax in respect of its income, profits or gains, and

(b) wealth-tax in respect of its net wealth."

7. In section 18 of the principal Act, for the words "and thereupon all the property vested in the Committee shall vest in the Central Government", the following shall be substituted, namely:—

Amend-
ment
of sec-
tion 18.

"and thereupon—

(a) all the property vested in the Committee shall vest in the Central Government, and

(b) all the liabilities of the Committee shall become the liabilities of the Central Government"

8. In sub-section (2) of section 19 of the principal Act, after clause (f), the following clause shall be inserted, namely —

Amend-
ment
of sec-
tion 19.

"(ff) the manner and terms of issue, sale and redemption of bonds and debentures by the Committee;"

STATEMENT OF OBJECTS AND REASONS

The Shipping Development Fund was formed in March, 1959 under section 14 of the Merchant Shipping Act, 1958, with the object of facilitating the growth of Indian shipping tonnage through grant of loans and financial assistance to Indian shipping companies for the acquisition and maintenance of ships. The fund vests in the Shipping Development Fund Committee which was constituted under section 15 of the said Act. This Committee consists wholly of government officers. The Committee *inter alia* charges a documentation fee in respect of loans and guarantees given by it. The Committee is a non-profit making organisation and the earnings made by it are incidental to the work connected with the development of shipping in India. It is, therefore, felt that the Committee should be exempted from the payment of income-tax, wealth-tax and any other tax on income, profits or gains on its earnings retrospectively from the date of its constitution.

2 Section 15 of the Act states that the Shipping Development Fund Committee shall consist of a Chairman and such number of other members, not exceeding six, as the Central Government may think fit to appoint thereto. The activities of the Committee have since increased. It has become necessary, therefore, to provide for additional members. It is proposed to increase the number of members from six to twelve.

3 The corpus of the Shipping Development Fund mainly consists of amounts granted as loans by the Central Government. It has been observed that such loans have not always been adequate to meet the entire requirements of the shipping industry for the expansion of maritime fleet. It is, therefore, proposed to empower the Shipping Development Fund Committee to resort to public borrowings through the issue and sale of bonds and debentures.

4 At present, the shipping companies which obtain loans from the Committee are required to accept nominees of the Committee to serve on their boards as directors. Hitherto, the nomination of such directors was being made by mutual agreement. It is proposed to provide for making such nominations in the Act itself and that such directors will be granted immunity from legal proceedings in respect of acts done by them in good faith.

5. Loans from the Shipping Development Fund are granted to ship-owners who satisfy the requirements of section 21 of the Act. Indigenous shipbuilding capacity has been expanding and it is felt that provision may be made in the Act to enable loans being granted to Indian Ship-yards also for the construction of new ships.

6. The shipping industry is going through a difficult period all the world over due to a severe and prolonged depression in the freight market. Indian shipping companies are also experiencing financial difficulties. It is felt that provision should be made for the grant of loans to shipping companies to rehabilitate them from temporary financial difficulties caused by circumstances beyond their control.

7. The other amendments proposed in the Bill are minor and consequential in nature.

8. The Bill seeks to achieve the above objects.

NEW DELHI;

CHAND RAM.

The 5th December, 1977.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill seeks to insert a new clause (ff) in sub-section (2) of section 19 of the Merchant Shipping Act, 1958, to empower the Central Government to specify by rules the manner and terms of issue, sale and redemption of bonds and debentures by the Shipping Development Fund Committee. The matters in respect of which rules may be made under this provision are matters of detail and it is hardly practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, normal in character.

BILL No. 146 of 1977

A Bill further to amend the Child Marriage Restraint Act, 1929, and to make certain consequential amendments in the Indian Christian Marriage Act, 1872, and the Hindu Marriage Act, 1955

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows.—

Short title 1. (1) This Act may be called the Child Marriage Restraint (Amendment) Act, 1977

commencement. (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint

Amendment of section 2 2. In section 2 of the Child Marriage Restraint Act, 1929 (hereinafter referred to as the principal Act), for clause (a), the following clause shall be substituted, namely —

“(a) “child” means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed sixteen years of age.”.

Insertion of new section 7. 3 After section 6 of the principal Act, the following section shall be inserted, namely:—

“7. The Code of Criminal Procedure, 1973, shall apply to offences under this Act as if they were cognizable offences—

(a) for the purpose of investigation of such offences, and

(b) for the purposes of matters other than (i) matters referred to in section 42 of that Code, and (ii) the arrest of a person without a warrant or without an order of a Magistrate.”.

Offences to be cognizable for certain purposes.

4. In section 8 of the principal Act.—

Amend-
ment of
section 8.

**s of 1898.
2 of 1974.** (a) for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted;

(b) for the words "Presidency Magistrate or a Magistrate of the first class", the words "Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted

**s of 1898.
2 of 1974.** 5 In section 10 of the principal Act, for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted.

Amend-
ment of
section 10

6 The enactments specified in the Schedule are hereby amended in the manner mentioned therein.

Amend-
ment of
certain
enact-
ments.

THE SCHEDULE

[See section 6]

Year	No.	Short title	Amendments
(1)	(2)	(3)	(4)
1872	15	The Indian Christian marriage Act, 1872.	In section 60,— (i) in clause (1), for the words "eighteen years" and "fifteen years", the words "twenty-one years and sixteen years" shall, respectively, be substituted, (ii) for the proviso, the following proviso shall be substituted, namely :— "Provided that no marriage shall be certified under this part when the woman intending to be married had not completed her eighteenth year, unless such consent as is mentioned in section 19 has been given to the intended marriage or unless it appears that there is no person living authorized to give such consent"
1955	25	The Hindu Marriage Act 1955.	In section 5, in clause (iii), for the words "eighteen years", and "fifteen years" the words "twenty one years" and "sixteen years" shall respectively, be substituted.

STATEMENT OF OBJECTS AND REASONS

The Child Marriage Restraint Act, 1929, was enacted with a view to prevent child marriages, namely, a marriage to which either of the contracting parties is under a specified age. Originally, the age limit for a male was eighteen years and for a female fourteen years. The age limit was subsequently raised in the case of females from fourteen to fifteen by the Amending Act 41 of 1949. Violation of the provisions of the Act is made punishable.

2. The question of increasing the minimum age of marriage for males and females has been considered in the present context when there is an urgent need to check the growth of population in the country. Such increase of the minimum age of marriage will result in lowering the total fertility rate on account of longer span of married life. It will also result in more responsible parenthood and in better health of the mother and child. A Bill introduced for this purpose in the Lok Sabha on 25th August, 1976, lapsed with the dissolution of the Lok Sabha on 18th January, 1977. The matter has been examined in all its aspects again.

3. The Bill seeks to amend the Child Marriage Restraint Act, 1929, to increase the minimum age of marriage from fifteen to sixteen for females and from eighteen to twenty-one for males and to make consequential amendments in the Hindu Marriage Act, 1955, and the Indian Christian Marriage Act, 1872. It is also being provided that offences under the Child Marriage Restraint Act may be investigated upon by a police officer under the Code of Criminal Procedure as if it were a cognizable offence. The police officer shall, however, not have the power to arrest without a warrant or an order of a Magistrate.

NEW DELHI;

SHANTI BHUSHAN.

The 6th December, 1977

AVTAR SINGH RIKHY,
Secretary.